

## **REMARKS**

The Final Office Action mailed September 13, 2006 has been reviewed and the comments therein were carefully considered. The Final Office Action states that claims 2-11 and 13-22 remain rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,757,372 (“Dunlap”) in view of U.S. Patent No. 6,070,068 (“Sudo”). However, during the interview, Examiner Dao explained that the claims were rejected under 35 U.S.C. §103(a) as being unpatentable over Dunlap in view of U.S. Patent No. 6, 408,177 (“Parikh”).

### **Examiner Interview**

Applicant would like to thank the Examiner for taking time to discuss the present application on January 9, 2007. As a result of the interview, Applicant respectfully submits that the claims are allowable as drafted for the reasons submitted herein.

### **Rejections Under 35 U.S.C. §103**

Claims 2-11 and 13-22 stand rejected as being unpatentable under Section 103(a) over Dunlap in view of Parikh. Applicant respectfully traverses this rejection in light of the discussion with Examiner Dao.

Applicant previously amended independent claims 17 and 20 to state that “the control unit [displays] an option for handling the call and an option for displaying a sub-menu listing call handling options specific to the selected call.” After discussing this and other features of the present claims with the Examiner, Applicant respectfully submits that Dunlap and Parikh, alone or in combination, do not disclose, teach or suggest the claimed invention of independent claims 17 and 20, nor is there any motivation, suggestion, or teaching in Dunlap or Parikh for making the proposed Dunlap-Parikh combination as argued in prior responses.

As previously discussed, Dunlap is directed to call line management in a non-mobile telephone system and such systems are typically used for pass-through call routing on multiple lines. These types of systems are generally used in an office environment, and do not specifically relate to “multiple call handling simultaneously during in-call operation, wherein the mobile device is receiving or initiating the pending calls.” In addition to other features,

Applicant submits that Dunlap does not disclose the display of an option for handling a call as claimed in independent claims 17 and 20. Dunlap surely cannot be found to disclose the feature that “the control unit [displays] an option for handling the call and an option for displaying a sub-menu listing call handling options specific to the selected call” of independent claims 17 and 20. Dunlap, at most, provides a menu of options for handling calls in an office environment that a user can scroll through. Dunlap does not disclose displaying both “an option for handling the call” and “an option for displaying a sub-menu.”

Furthermore, Parikh certainly does not cure this deficiency of Dunlap. Parikh relates generally to the handling of incoming calls through a data channel, “thus advantageously avoid[ing] the use of a voice channel, so that valuable air time is not spent transmitting menu option data.” Applicant can not find anything in Parikh that discloses “the control unit [displays] an option for handling the call and an option for displaying a sub-menu listing call handling options specific to the selected call” of independent claims 17 and 20. In fact, the system of Parikh contemplates the use of Short Message Service (SMS) or something similar to deliver the information regarding an incoming call. Nothing in Parikh discloses a system or device for managing incoming calls that “includes at least two calls being selectable by a user, and upon selection of one of said at least two calls, the control unit displays an option for handling the call and an option for displaying a sub-menu listing call handling options specific to the selected call.”

The Final Office Action mailed September 13, 2006 states that “Dunlap fails to teach that the communications device is a mobile device capable of displaying option for handling call and displaying a sub-menu listing call handling options.” Based on the interview, Applicant respectfully submits that Parikh also does not teach this feature. Therefore, because neither Dunlap nor Parikh teach this claimed feature, Applicant submits that independent claims 17 and 20 are allowable for at least this reason.

Moreover, Applicant submits there is no motivation in either Dunlap or Parikh to combine the two references and that the Office Action has not presented a *prima facie* case of obviousness. Dunlap discloses call-handling in a phone in an office environment, whereas Parikh discloses call-handling of a mobile phone via SMS as opposed to using a voice channel.

Due to the restrictions of memory and screen space, there would be no motivation to combine technology from office phones with that of mobile phones. Therefore, there is no motivation to combine Dunlap and Parikh without the impermissible use of hindsight and independent claims 17 and 20 should be allowed.

Based on the arguments above, Applicant respectfully submits that claims 17 and 20 are in condition for allowance. Furthermore, because claims 2-11, 13-16, 18-19, and 21-22 each ultimately depend from allowable claims 17 and 20, Applicant respectfully submits that claims 2-11, 13-16, 18-19, and 21-22 are also in condition for allowance.

### **Rejection of Dependent Claim 3**

With respect to dependent claim 3, Applicant respectfully submits that the Office Action has not provided a citation to a reference that discloses at least the additional feature of “wherein the list of options in a sub-menu changes depending on the status of the unselected pending calls.” The Office Action references figures 3A and 3C of Dunlap as a rejection for this feature. However, figure 3A does not show any options in a sub-menu for handling the call and figure 3C does not show any unselected pending calls. Therefore, figures 3A and 3C simply cannot serve as a proper basis of rejection for the feature “wherein the list of options in a sub-menu changes depending on the status of the unselected pending calls.” Applicant submits that dependent claim 3 is allowable for at least this additional reason.

### **Rejection of Dependent Claims 5-6, 8-11, and 13-16**

With respect to dependent claims 5-6, 8-11, and 13-16, Applicant respectfully submits that the Office Action still has not addressed each claimed feature of Applicant’s invention. In Applicant’s response to the Office Action mailed January 3, 2006, Applicant requested that the Office specifically state where each of the features of claims 5-6, 8-11 and 13-16 were found in the cited references so that Applicant could properly respond to the rejections. In the Final Office Action mailed on September 13, 2006, the Office Action still merely stated that “[r]egarding claims 5-6,11, the claims have the limitations as that of claim 17 and therefore are rejected for the same reason set forth in the rejection of claim 17” and makes a similar statement regarding claims 8-10 and 13-16. However, as previously pointed out, each of these claims adds additional

features to the claims upon which they ultimately depend and the Office Action cites nothing regarding these additional features. Therefore, Applicant submits that claims 5-6, 8-11 and 13-16 are in condition for allowance. Once again, if claims 5-6, 8-11 and 13-16 remain rejected, Applicant respectfully requests that the Office specifically state where these features are found in the cited references so that Applicant has a chance to respond to any rejections asserted.

Applicant respectfully submits that the application is now in condition for allowance. Favorable consideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,

Date: February 13, 2007

By: /William J. Allen/  
WILLIAM J. ALLEN  
BANNER & WITCOFF, LTD.  
Registration No. 51,393  
10 South Wacker Drive  
Suite 3000  
Chicago, Illinois 60606  
Direct Line: 312-463-5437  
Facsimile: 312-463-5001